

**REMARKS**

**I.      Status of the Claims**

Claims 24-65 are pending in this Application.

Claims 24, 28, 29, 31, 35, 39, 40, 42, 44, 48, 49, 51, 55, 59, 60, and 62-65 are rejected under 35 U.S.C. 101.

Claims 24, 28, 29, 31, 35, 39, 40, 42, 44, 48, 49, 51, 55, 59, 60, and 62-65 are rejected under 35 U.S.C. 112, first paragraph.

Claims 43 and 52 are rejected under 35 U.S.C. 112, second paragraph.

Claims 24-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Bruck (U.S. Patent No. 6,691,165).

With this response, claims 24, 28, 29, 31, 32, 35, 39, 40, 42-44, 48, 49, 51, 52, 55, 59, 60, 62, 64, and 65 are amended.

Claims 24, 35, 44, 55, 64, and 65 are independent.

**II.      Rejection Under 35 U.S.C. 101**

The Office Action rejects claims 24, 28, 29, 31, 35, 39, 40, 42, 44, 48, 49, 51, 55, 59, 60, and 62-65 under 35 U.S.C. 101, the Office Action stating that:

“[c]laims 24, 28, 29, 31, 35, 39, 40, 42, 44, 48, 49, 51, 55, 59, 60, 62-65 are rejected because the disclosed invention is inoperative and therefore lacks utility.

‘take into account the monitoring’ and ‘account number’ are not in specification”  
(see Office Action, p. 5),

and that:

“[c]laims 24, 28, 29, 31, 35, 39, 40, 42, 44, 48, 49, 51, 55, 59, 60, 62-65 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility

i.e.: ‘take into account the monitoring’ and ‘account number’”  
(see Office Action, p. 5).

Applicants respectfully disagree. Nevertheless, to facilitate prosecution (e.g., in view of the Office Action’s suggestion that claim amendment be performed) claim amendment is provided herewith.

Applicants respectfully submit that claims 24, 28, 29, 31, 35, 39, 40, 42, 44, 48, 49, 51, 55, 59, 60, and 62-65, at least with the amendments herewith, are in compliance with 35 U.S.C. 101, and respectfully request that the rejection be withdrawn.

### **III. Rejections Under 35 U.S.C. 112**

The Office Action rejects claims 24, 28, 29, 31, 35, 39, 40, 42, 44, 48, 49, 51, 55, 59, 60, and 62-65 under 35 U.S.C. 112, first paragraph, the Office Action stating that:

“[c]laims 24, 28, 29, 31, 35, 39, 40, 42, 44, 48, 49, 51, 55, 59, 60, 62-65 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

i.e.: ‘take into account the monitoring’ and ‘account number’”  
(see Office Action, p. 6),

and that:

“[c]laims 24, 28, 29, 31, 35, 39, 40, 42, 44, 48, 49, 51, 55, 59, 60, 62-65 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was

not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

i.e.: 'take into account the monitoring' and 'account number'  
(see Office Action, p. 6).

Also, the Office Action rejects claims 43 and 52 under 35 U.S.C. 112, second paragraph, the Office Action stating that:

"[c]laim 43, 52 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

i.e.: sponsored data is treated as preferable"  
(see Office Action, p. 6; emphasis in original).

Applicants respectfully disagree with the rejections. Nevertheless, to facilitate prosecution (e.g., in view of the Office Action's suggestion that claim amendment be performed) claim amendment is provided herewith.

Applicants respectfully submit that claims 24, 28, 29, 31, 35, 39, 40, 42-44, 48, 49, 51, 52, 55, 59, 60, and 62-65, at least with the amendments herewith, are in compliance with 35 U.S.C. 112, and respectfully request that the rejections be withdrawn.

#### **IV. Rejection Under 35 U.S.C. 102**

The Office Action rejects independent claims 24, 35, 44, 55, 64, and 65 under 35 U.S.C. 102(e) as being anticipated by Bruck.

Applicants respectfully disagree with the rejection. Nevertheless, to facilitate prosecution (e.g., in view of the Office Action's suggestion that claim amendment be performed) claim amendment is provided herewith.

Applicants respectfully submit that Bruck fails, for example, to disclose, teach, or suggest:

“... performing measurement corresponding to the monitoring, wherein one or more values are obtained;

selecting data, wherein selection is based upon one or more of the values; and

sending the selected data over a multicast network”

as set forth in each of claims 24, 44, and 64 as amended herewith.

As another example, Bruck fails to disclose, teach, or suggest:

“... receiving, over a multicast network, selected data through a local proxy,

wherein measurement corresponding to monitoring of the interaction network is performed, wherein one or more values are obtained, and

wherein selection of the data is based upon one or more of the values”

as set forth in each of claims 35, 55, and 65 as amended herewith.

In view of at least the foregoing, Applicants respectfully submit that claims 24, 35, 44, 55, 64, and 65 as well as those claims that depend therefrom, at least as amended herewith, are in condition for allowance.

**V. Dependent Claim Rejections**

Applicants do not believe it is necessary at this time to further address the rejections of the dependent claims as Applicants believe that the foregoing places the independent claims in condition for allowance. Applicants, however, reserve the right to further address those rejections in the future should such a response be deemed necessary and appropriate.

**VI.**

**Conclusion**

Applicants respectfully submit that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

**VII.**

**Authorization**

The Commissioner is hereby authorized to charge any fees which may be required for this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4041.

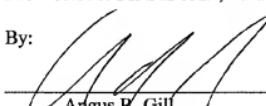
Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

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By:



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